IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3706 OF 1990

Canara Bank. ..Plaintiffs.
Vs.
M/s. Odeon TV & Radio Corpn. and ors.
..Defendants.

Mr.R.C.Dube i/by S. Kanchan & Co. for the Plaintiffs.

CORAM : A.M. KHANWILKAR, J.
DATED : 1ST OCTOBER, 2007.

P.C.

1. None appears for the defendants though served. The counsel for the plaintiffs has handed in draft issues. As there is no opposition, I proceed to settle and frame the issues as follows :

1) Whether the plaintiffs prove that at the request of the defendants, plaintiffs have sanctioned Open Cash Credit Limit of Rs.5,00,000/-?

2) Whether the plaintiffs prove that the defendants have executed loan documents in security of the loan amount granted to the defendants?

3) Whether the plaintiffs prove that the defendants have agreed to pay interest at the rate of 6.5% p.a. above the Reserve Bank of India rate with a minimum of 16.5% p.a. compounded quarterly in open cash credit facility?

4) Whether the plaintiffs prove that the defendants were allowed beyond open cash credit to the extent of Rs.2,00,000/- as a temporary enhancement of existing credit limit of Rs.5,00,000/-?

5) Whether the plaintiffs prove that the defendants executed a Demand Promissory Note for Rs.2,00,000/- and agreed to pay interest at the rate of 17% p.a. compounded quarterly?

6) Whether the plaintiffs prove that the defendants are liable to pay Rs.9,74,430.40 at the rate of 19% as prayed?

7) Whether the defendants prove that the suit is not maintainable and liable to be dismissed with costs?

8) Whether the defendants prove that the plaintiffs have taken signature on various blank documents?

9) Whether the defendants prove that they are not liable to pay interest as prayed?

10) Whether the defendant No.4 prove that he is not concerned with the transaction made with the plaintiffs?

11) What order and decree?

2. As issues are framed, the plaintiffs to file an affidavit of evidence and documents. To be listed on 1.11.2007.

(A.M. KHANWILAKR, J.)